

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/775,979

Applicant: ZHU et al.

Filed: February 10, 2004

TC/AU: 1755

Examiner: Veronica F. Faison

Docket No.: 226083 (Client Reference No. D-675)

Customer No.: 23460

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR § 1.181(a) TO WITHDRAW THE HOLDING OF
ABANDONMENT OF PATENT APPLICATION**

Applicants hereby petition the Commissioner to withdraw the holding of abandonment of the application. On August 20, 2007, Applicants received an Office communication dated August 16, 2007, which included a Notice of Abandonment alleging that the application is abandoned in view of Applicants' failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance and that the issue fee and publication fee have not been received. Applicants respectfully submit that the Notice of Allowance was not received.

The undersigned practitioner states:

1. The Notice of Allowance and Fees Due dated April 23, 2007 ("the Notice") was not received by the practitioner and a search of the file jacket and docket records indicates that the Notice was not received.
2. The practitioner's law firm has the standard practice of preparing and delivering automated docket reports every Thursday for each practitioner in the firm.

3. For Office communications requiring a response within a 3-month period, as part of its standard practice, the firm would generate four (4) docket reports. Thus, for the present non-received Notice, which had a reported mailing date of April 23, 2007 and a 3-month deadline of July 23, 2007, docket reports covering the 3-month period would have the following docket items:

- (1) May 10, 2007 report covering the period of May 12-27, 2007, setting forth two docket items for May 23, 2007: i) validate patent term and ii) 2-month reminder to pay issue fee;
- (2) June 21, 2007 report covering the period of June 23-July 8, 2007, setting forth one docket item for June 23, 2007: 1-month reminder to pay issue fee;
- (3) July 5, 2007 report covering the period of July 7-22, 2007, setting forth one docket item for July 13, 2007: 10-day reminder to pay issue fee; and
- (4) July 12, 2007 report covering the period of July 14-29, 2007, setting forth one docket item for July 23, 2007: Pay Issue Fee (due date).

4. Exhibit 1 to this Petition is the relevant part of the May 10, 2007 report generated for the undersigned practitioner covering the period of May 12-27, 2007, and shows docket items for May 20, 23, and 24, 2007. For May 23, 2007, as can be seen from the Exhibit, there is only one docket item, which is for Case No. 401371. No other case numbers are docketed for May 23, 2007. Specifically, Case No. 226083, the present application, is not docketed.

5. Exhibit 2 to this Petition is the relevant part of the June 21, 2007 report generated for the undersigned practitioner covering the period of June 23-July 8, 2007, and shows docket items for June 23-24, 2007. No docket items are shown for Case No. 226083.

6. Exhibit 3 to this Petition is the relevant part of the July 5, 2007 report generated for the undersigned practitioner covering the period of July 7-22, 2007, and

shows docket items for July 12-16, 2007. No docket items are shown for Case No. 226083.

7. Exhibit 4 to this Petition is the relevant part of the July 12, 2007 report generated for the practitioner covering the period of July 14-29, 2007, and shows docket items for July 22-24, 2007. No docket items are shown for Case No. 226083.

8. Had the Notice been received, docket items would have been entered in the above reports for Case No. 226083.

9. As regards the Exhibits, certain information has been redacted to preserve confidential or privileged information. However, where information has been redacted, it is so indicated (by an "R") and the case number of the patent application has been maintained in order to show the case number whose information was redacted.

Applicants enclose a completed Form PTOL-85 with an authorization to charge the Issue and Publication fees to the deposit account. Applicants also enclose a completed Fee Address Indicated Form. Applicants respectfully request that the holding of abandonment is withdrawn and the application allowed to proceed to issue.

Applicants believe the no petition fee is due; however, if any fee is due, the Commissioner is authorized to charge the required fee to Deposit Account No. 1212-16.

Respectfully submitted,



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